

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RIKI O'HAILPIN; NINA ARIZUMI;)	CIV. NO. 22-00532 HG-WRP
ROBERT ESPINOSA; ERWIN YOUNG;)	
PUANANI BADIANG; SABRINA)	
FRANKS; RONALD LUM; DAN SAIKI;)	
BRANDEE AUKAI,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
HAWAIIAN AIRLINES, INC.;)	
HAWAIIAN HOLDINGS, INC.)	
)	
)	
Defendants.)	
)	

**ORDER DENYING PLAINTIFF NINA ARIZUMI'S MOTION FOR ENTRY OF
JUDGMENT UNDER RULE 54(b) (ECF No. 328)**

In August 2021, Defendant Hawaiian Airlines, Inc. and its parent company, Defendant Hawaiian Holdings, Inc. ("Hawaiian Defendants") implemented a mandatory vaccination policy for their employees in the midst of the worldwide COVID-19 pandemic.

Various employees requested exemptions from the policy on several bases, including medical and religious reasons.

Plaintiff Nina Arizumi, along with eight other individual Plaintiffs, filed suit against the Hawaiian Defendants on December 22, 2022, because the Hawaiian Defendants did not grant their exemption requests but instead offered the employees leave without pay in lieu of vaccination.

The Complaint asserts the following five causes of action

against the Hawaiian Defendants:

COUNT I: Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., for **Religious Discrimination** Based On **Failure-To-Accommodate**

COUNT II: Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., for **Religious Discrimination** Based On **Disparate Impact**

COUNT III: Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., for **Religious Discrimination** Based On **Retaliation**

COUNT IV: Violation of the Americans With Disabilities Act of 1990, 42 U.S.C. § 12101, et seq., **Disability Discrimination** Based On **Failure-To-Accommodate**

COUNT V: Violation of the Americans With Disabilities Act of 1990, 42 U.S.C. § 12101, et seq., **Disability Discrimination** Based On **Retaliation**

On March 19, 2025, Defendants filed a Motion for Partial Dismissal for Lack of Jurisdiction Pursuant to the Railway Labor Act as to Plaintiff Nina Arizumi. (ECF No. 197). Defendants moved to dismiss only Counts I and IV as to Plaintiff Arizumi for lack of subject-matter jurisdiction. (Id.)

On April 2, 2025, Plaintiff Arizumi filed her Opposition. (ECF No. 206).

On May 6, 2025, the Court issued an ORDER GRANTING DEFENDANTS HAWAIIAN AIRLINES, INC. AND HAWAIIAN HOLDINGS, INC.'S MOTION FOR PARTIAL DISMISSAL FOR LACK OF SUBJECT-MATTER JURISDICTION AS TO COUNTS I AND IV FOR PLAINTIFF NINA ARIZUMI. (ECF No. 254).

Counts II, III, and V as to Plaintiff Nina Arizumi remain

for trial.

The eight other Plaintiffs' cases remain for trial.

The first trial in this case with Plaintiffs Robert Espinosa and Dan Saiki, two pilots alleging failure-to-accommodate religion causes of action, is set for November 18, 2025.

On June 11, 2025, Plaintiff Nina Arizumi filed a Motion for Entry of Judgment Under Rule 54(b). (ECF No. 328).

Plaintiff Arizumi's Motion requests that the Court certify an entry of judgment as to her because the Court dismissed Counts I and IV against her for lack of subject-matter jurisdiction pursuant to the Railway Labor Act. Plaintiff Arizumi's Motion requests the Court allow her to engage in piecemeal appeals. Plaintiff Arizumi ignores that she has three causes of action remaining for trial that have not been dismissed. Plaintiff Arizumi's Motion also ignores the remaining eight individual Plaintiffs and their causes of action that remain for trial.

The Court elects to decide the Motion without a hearing pursuant to District of Hawaii Local Rule 7.1(c), (d).

Plaintiff's Motion for Entry of Judgment Pursuant to Fed. R. Civ. P. 54(b) (ECF No. 328) is **DENIED**.

STANDARD OF REVIEW

The Court may enter final judgment as to one or more, but fewer than all, claims or parties if it expressly determines that

no just reason for delay exists. Fed. R. Civ. P. 54(b).

The decision whether to enter judgment pursuant to Fed. R. Civ. P. 54(b) is left to the sound judicial discretion of the District Court. Curtiss-Wright Corp. v. Gen. Elec. Co., 446 U.S. 1, 7 (1980).

Entry of judgment pursuant to Fed. R. Civ. P. 54(b) is "not routine" and should only be done in the exceptional case. See Wood v. GCC Bend, LLC, 422 F.3d 873, 879-80 (9th Cir. 2005).

Entry of Judgment pursuant to Rule 54(b) cannot be entered simply by stipulation of the parties. In re Lindsay, 59 F.3d 942, 951-52 (9th Cir. 1995).

The district court must make an express determination that certification of a judgment under Rule 54(b) is warranted and provide sufficient justification why entry of judgment prior to termination of the entire case is necessary. Alcan Aluminum Corp. v. Carlsberg Fin. Corp., 689 F.2d 815, 817 (9th Cir. 1982).

ANALYSIS

Pursuant to Fed. R. Civ. P. 54(b), the district court has discretion to direct the entry of judgment when it dismisses claims against one party but other parties or claims remain. Noel v. Hall, 568 F.3d 743, 747 (9th Cir. 2009).

In order to do so, the Court must certify to the appellate court that Judgment as to an individual or as to certain claims

should be entered because there is no just reason for delay.
Curtiss-Wright Corp. v. Gen. Elec. Co., 446 U.S. 1, 7 (1980).

The Ninth Circuit Court of Appeals has explained that the district courts should evaluate “juridical concerns” before certifying a judgment on a partial basis pursuant to Fed. R. Civ. P. 54(b). Wood v. GCC Bend, LLC, 422 F.3d 873, 879-80 (9th Cir. 2005). The Appellate Court explained that the district courts should avoid certifying piecemeal appeals and claims that are related to remaining parties or causes of action. Id.

A. Piecemeal Appellate Litigation

Rule 54(b) certification should be used sparingly. Gausvik v. Perez, 392 F.3d 1006, 1009 n.2 (9th Cir. 2004). Similarity of legal or factual issues weighs heavily against entry of judgment pursuant to Fed. R. Civ. P. 54(b). Morrison-Knudsen Co., Inc. v. Archer, 655 F.2d 962, 965 (9th Cir. 1981).

The Ninth Circuit Court of Appeals has ruled that in the context of employment discrimination cases, the district court should refuse entry of judgment pursuant to Fed. R. Civ. P. 54(b) where there is overlap in facts between dismissed causes of action and remaining claims. Wood, 422 F.3d at 881 (explaining that certification under Rule 54(b) was not warranted because constructive discharge claims were factually related to remaining age discrimination and retaliation causes of action).

Here, the Court dismissed two of Plaintiff Arizumi's employment discrimination causes of action. Plaintiff Arizumi has three causes of action remaining:

COUNT II: Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., for **Religious Discrimination** Based On **Disparate Impact**

COUNT III: Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., for **Religious Discrimination** Based On **Retaliation**

COUNT V: Violation of the Americans With Disabilities Act of 1990, 42 U.S.C. § 12101, et seq., **Disability Discrimination** Based On **Retaliation**.

Plaintiff Arizmui's remaining causes of action stem from the same nucleus of facts related to the dismissed causes of action in Counts I and IV for failure-to-accommodate. Numerous courts have ruled that 54(b) certification is not appropriate when there are remaining employment discrimination claims deriving from the same or similar nucleus of facts. Imamoto v. Soc. Sec. Admin., 2008 WL 5025005, *2 (D. Haw. Nov. 25, 2008); see Powell v. 7 Eleven, Inc., 2010 WL 3584077, *3 (D. Nev. Sept. 3, 2010).

Additionally, in this case, there are eight remaining individual Plaintiffs besides Plaintiff Arizumi. Judicial administrative interests and the avoidance of piecemeal appeals weigh heavily in favor of declining to certify a judgment pursuant to Fed. R. Civ. P. 54(b). Curtiss-Weight Corp., 446 U.S. at 8. The Ninth Circuit Court of Appeals has emphasized that it "cannot afford the luxury of reviewing the same set of

facts in a routine case more than once without a seriously important reason.” Wood, 422 F.3d at 882. Where not all of the parties are included in the appeal and the appeal does not resolve all of the claims by the party seeking to appeal, certification pursuant to Fed. R. Civ. P. 54(b) is generally not warranted. Jewel v. Nat’l. Sec. Agency, 810 F.3d 622, 630 (9th Cir. 2015).

B. No Just Reason For Delay

Courts must also evaluate equitable considerations such as prejudice to the parties and delay. Gregorian v. Izvestia, 871 F.2d 1515, 1519 (9th Cir. 1989).

Plaintiff Arizumi argues that the Court should certify a partial judgment pursuant to the Court’s Order Granting the Defendants’ Partial Motion to Dismiss. Plaintiff seeks the partial judgment in order for her to appeal the issues raised pursuant to the Railway Labor Act. Plaintiff argues that resolution on appeal “could impact other similarly situated Plaintiffs who are flight attendants who also have pending claims against Defendants in other cases.” (Motion at p. 4, ECF No. 328-1).

On May 2, 2025, in Brody v. Hawaiian Airlines, Inc., Civ. No. 22-cv-00482 HG-WRP, this Court granted an order dismissing a case of employment discrimination brought by a different Hawaiian

Airlines flight attendant. See Dkt. Entry. 108. The Court ruled that it lacked subject-matter jurisdiction over Plaintiff Brody's complaint pursuant to the Railway Labor Act because the alleged claims required interpretation of an existing collective bargaining agreement. Id. Judgment was entered because the Order resolved all of Plaintiff Brody's claims and there were no other remaining parties. See Dkt. Entry 109.

On May 29, 2025, Plaintiff Brody filed a Notice of Appeal and the case is pending before the Ninth Circuit Court of Appeals. See Dkt. Entry 112, 9th Cir. Appeal No. 25-3462.

Here, Plaintiff Arizumi seeks partial judgment in order to appeal the identical issue ruled upon by this Court in Brody. The issue, however, is already before the Ninth Circuit Court of Appeals. Certification here pursuant to Fed. R. Civ. P. 54(b) will not expedite review of the issue regarding application of the Railway Labor Act before the Ninth Circuit Court of Appeals.

Plaintiff has not established that the Appellate Court's consideration of the single issue she seeks to appeal would likely advance the result of either her case as a whole or the case of the remaining eight individual Plaintiffs. Jewel, 810 F.3d at 630-31. Plaintiff's request for certification of entry of judgment pursuant to Fed. R. Civ. P. 54(b) is not warranted. Wood, 422 F.3d at 879-81.

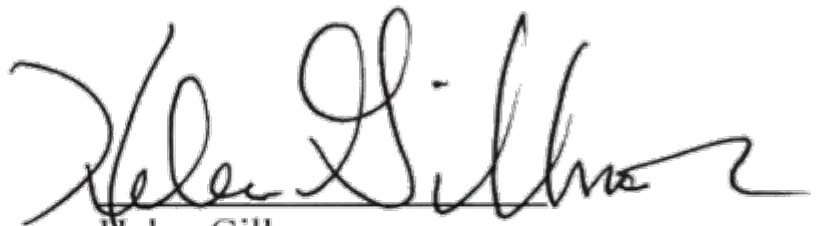
CONCLUSION

Plaintiff Nina Arizumi's Motion for Entry of Judgment Pursuant to Fed. R. Civ. P. 54(b) (ECF No. 328) is **DENIED**.

IT IS SO ORDERED.

DATED: June 20, 2025, Honolulu, Hawaii.




Helen Gillmor
United States District Judge

Riki O'Hailpin; Nina Arizumi; Robert Espinosa; Erwin Young;
Puanani Badiang; Sabrina Franks; Ronald Lum; Dan Saiki; Brandee
Aukai vs. Hawaiian Airlines, Inc.; Hawaiian Holdings, Inc., 22-
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FOR ENTRY OF JUDGMENT UNDER RULE 54(b) (ECF No. 328)